

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 12-cv-03204-CMA-KLM

JESUS O. HALL,

Plaintiff,

v.

J. BROWN, RN,
ALLRED, Dr.,
McDERMOT, Health Administrator,
HAVER, Off., and
CINK, P.A.,

Defendants.

**ORDER AFFIRMING APRIL 29, 2013 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the April 29, 2013 Recommendation by United States Magistrate Judge Kristen L. Mix that Defendants' Motion to Dismiss (Doc. # 55) be granted. (Doc. # 62.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 55 at 18-19.) Plaintiff then petitioned this Court for an extension of time to file objections to the Magistrate Judge's Report. (Doc. # 63.) The Court granted this motion in part, allowing Plaintiff to file objections no later than June 3, 2014. (Doc. # 64.) Nevertheless, prior to this deadline, no objections to Magistrate Judge Mix's Recommendation were filed by either party.

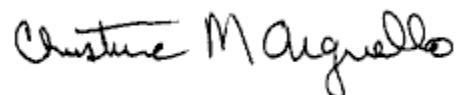
“In the absence of timely objection, the district court may review a magistrate [judge’s] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

The Court has reviewed all the relevant pleadings concerning Defendants’ Motion to Dismiss and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Mix’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72, advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Mix as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 62) is AFFIRMED and ADOPTED. It is FURTHER ORDERED that Defendants’ Motion to Dismiss (Doc. # 55) is GRANTED and Plaintiff’s Third Amended Complaint is DISMISSED WITHOUT PREJUDICE.

DATED: June 4, 2014

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge